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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,503	01/15/2004	Mikio Tuyuki	Q79425	4626

7590 02/03/2005

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Washington, DC 20037-3213

EXAMINER
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KOHNER, MATTHEW J

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JE

**Office Action Summary**

Application No.

10/757,503

Applicant(s)

TUYUKI ET AL.

Examiner

Matthew J Kohner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment / Arguments***

Applicant has amended claim 1 and cancelled claim 3. Applicant has argued that the claims as amended overcome the §§ 101, 102 and 112 rejections of the previous office action.

Regarding the § 101 rejection, the Examiner agrees that the utility requirement is satisfied and therefore the § 101 rejection is withdrawn.

Regarding the § 112 rejection, in light of Applicant's remarks, Examiner agrees that the drawings show a clearance between the pressers and the shaft. Therefore, Examiner withdraws the new matter rejection. However, since the clearance is not labeled in the drawings nor mentioned in the specification there is still a §112, first paragraph problem. However, an amendment to the specification which includes language regarding the clearance and an amendment to the drawings which labels the clearance would overcome the § 112 rejection. Further, Examiner notes that in Applicant's response to official action, Applicant mentioned a "marked-up copy of Figure 3 attached hereto. (Applicant's remarks, page 6)" However, there does not appear to be a marked-up copy of Fig. 3 attached to the response (nor is it listed in the table of contents of Applicant's response).

Regarding the § 102 rejection, applicant has argued that the additional limitation of the pressers having a substantially cylindrical shape overcomes the Douglass reference since, "the

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claimed pressers do not have such a shape but rather have a substantially U-shape in cross section ... [applicant's remarks, page 6]" However, the fact that the end caps' cross section is U-shaped does not necessarily mean that the end caps aren't "substantially cylindrical." In fact, the end caps are substantially cylindrical in shape (See e.g. Fig. 4.). Applicant also argues that, "the opening 128 of Douglas is different from the clearance of the present invention both in terms of its shape and its function. (Applicant's remarks, page 6)" Yet, neither the shape of the opening nor its function is in the claim language. Therefore, since the Douglas reference meets the claim language, the Douglas reference anticipates the claim.

In particular regard to claim 6, Examiner agrees that Douglas does not disclose spacers which are coupled to the pressers. Therefore, the § 102 rejection in regard to claim 6 is withdrawn.

### ***Drawings***

The drawings are objected to because the clearance described in claim 1 is not labeled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

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renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,977,828 to Douglas.

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A sheet member guide mechanism comprising:

- a guide roller (52) for guiding a sheet material;

said guide roller comprising:

- a roller core (54);
- a fabric tube (116) fitted under pressure over said roller core; and
- a pair of pressers (122) mounted respectively in axial ends of said roller

core to hold and secure respective ends of said fabric tube in the axial ends of said

roller core, said pressers having a substantially cylindrical shape (See Fig. 4),

wherein a clearance (128) is provided between each of the pressers and a shaft on which the roller core rotates.

In regard to claims 2, 4 and 5, see Fig. 5.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new objection to the drawings presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

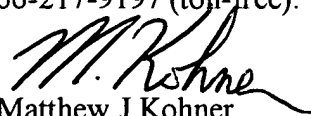
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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 703-305-8496. The examiner can normally be reached on Mon-Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 703-306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Matthew J Kohner  
Examiner  
Art Unit 3653

mjk

  
DONALD WALSH  
SUPERVISORY PATENT EXAMINER  
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